

**CITY PLANNING & ZONING COMMISSION
MEETING MINUTES
March 24, 2010**

The Bismarck Planning & Zoning Commission met on March 24, 2010, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Mark Armstrong, Mel Bullinger, Jack Hegedus, Curt Juhala, Ken Selzler, Lisa Waldoch, John Warford and Wayne Yeager.

Commissioners Jo Conmy, Doug Lee and Elden Spier were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Gregg Greenquist – Planner, Kim Lee –Planning Manager, Jason Tomanek – Planner, Kimberley Gaffrey– Office Assistant III and Charlie Whitman – City Attorney.

There were no others present.

MINUTES

Chairman Yeager called for consideration of the minutes of the February 24, 2010 meeting.

MOTION: Commissioner Juhala made a motion to approve the minutes of the February 24, 2010 meeting as received. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

**CONSIDERATIONS –
ZONING CHANGE FROM CG-COMMERCIAL AND RMH-RESIDENTIAL TO CG-
COMMERCIAL – BUFFALO JUMP ADDITION
ZONING ORDINANCE TEXT AMENDMENT – FP FLOODPLAIN DISTRICT**

Chairman Yeager called for consideration of the following consent agenda items:

- A zoning change from CG-Commercial and RMHG-Residential zoning districts to CG-Commercial zoning district for Buffalo Jump Addition. The property is 5 lots in 2 blocks on 14.55 acres located along the east side of US Highway 83 between Calgary Avenue and 43rd Avenue (a replat of Lots 5-7, Block 1, Capital Electric Headquarters Addition and an unplatted portion of the NW¼ of Section 22, T139N - R80W/Hay Creek Township).
- A zoning ordinance text amendment relative to the FP Floodplain District. The proposed ordinance would bring the ordinance in line with FEMA's model ordinance for this region and provide additional regulations to minimize losses within the floodplain.

MOTION: Commissioner Hegedus made a motion to approve the consent agenda. Commissioner Juhala seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT – HM MEDICAL FACILITY DISTRICT

Chairman Yeager called for the public hearing for the zoning ordinance text amendment relative to HM Medical Facility District.

Ms. Lee provided an overview of the zoning ordinance text amendment for HM Medical Facility District. The proposed ordinance would modify the front yard setback requirements by eliminating the minimum setback distance.

Mr. Lee said staff recommends approval of the zoning ordinance text amendment relative to HM Medical Facility District.

Commissioner Warford asked Ms. Lee to review the boundaries for the HM Medical District. Ms. Lee explained that the boundaries cover all the facilities owned by Med Center One, Mid Dakota Clinic and St. Alexius Medical Center, which starts adjacent to the Belle Mehus Auditorium, extends over to 12th Street, north to Avenue A, then west to 10th Street, north to Avenue B, west to 9th Street, south to Avenue A, then west to 6th Street, and south to Broadway Avenue.

Chairman Yeager opened the public hearing for the zoning ordinance text amendment relative to HM Medical Facility District.

No public comment was received.

Chairman Yeager closed the public hearing.

MOTION: Commissioner Armstrong made a motion to approve the zoning ordinance text amendment relative to HM Medical Facility District. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

PUBLIC HEARING –ZONING CHANGE FROM COUNTY A-AGRICULTURAL AND R1-COUNTRY HOMES RESIDENTIAL TO CITY A-AGRICULTURAL AND CITY RR-RURAL RESIDENTIAL FOR ETA PHASE 10-1

Chairman Yeager called for the public hearing for the zoning change from County A-Agricultural and R1-Country Homes Residential to City A-Agricultural and RR-Rural Residential for ETA Phase 10-1. The property is in West Hay Creek, Riverview and Burnt Creek Townships.

Ms. Lee provided an overview of the request and listed the following findings for the zoning change:

1. The proposed zoning changes are needed to convert the existing Burleigh County zoning to equivalent City zoning for those portions of West Hay Creek, Riverview and Burnt Creek Townships that are within the extended 4-mile ETA.
2. The proposed zoning changes would not adversely impact or change the character of the area.
3. The proposed zoning changes would not place an undue burden on public services.

4. The proposed zoning changes are consistent with adopted plans, policies and accepted planning practice.

Ms. Lee said based on the above findings, staff recommends approval of the zoning change from County A-Agricultural and R1-Country Homes Residential to City A-Agricultural and RR-Rural Residential for ETA Phase 10-1.

Chairman Yeager opened the public hearing for the zoning change from County A-Agricultural and R1-Country Homes Residential to City A-Agricultural and RR-Rural Residential for ETA Phase 10-1.

No public comment was received.

Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff reports, Commissioner Hegedus a motion to approve the zoning change from County A-Agricultural and County R1-Country Homes Residential to City A-Agricultural and City RR-Rural Residential for ETA Phase 10-1. Commissioner Warford seconded the motion and it was unanimously approved with Commissioners Armstrong, Bullinger, Hegedus, Juhala, Selzler, Waldoch, Warford and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

There being no further business Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:08 p.m. to meet again on April 28, 2010.

Respectfully submitted,

Kimberley Gaffrey
Recording Secretary

Wayne Yeager
Chairman